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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,169	01/20/2004	Ali O. Gure	L0461.70073US01	3734

23628 7590 05/16/2007
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER

REDDIG, PETER J

ART UNIT	PAPER NUMBER
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1642

MAIL DATE	DELIVERY MODE
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05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Allowability

Application No.

10/761,169

Examiner

Peter J. Reddig

Applicant(s)

GURE ET AL.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendments file 4/12/2007.
2. ☒ The allowed claim(s) is/are 1-5, 7, 8, 11, 15, and 16 now renumbered 1-10, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted:
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070507
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


SUSAN UNGAR, PH.D.
PRIMARY EXAMINER

DETAILED ACTION

1. During a telephone conversation conducted on May 10, 2007, with John Van Amsterdam authorized the following Examiner's Amendment.
2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.
3. The Amendment filed April 12, 2007 in response to the Office Action of December 13, 2006 is acknowledged and has been entered. Previously pending claims 6, 9, 10 and 12-14 have been cancelled, claims 1 and 11 have been amended.
4. Claims 1-5, 7, 8, and 11 are pending and currently under consideration.
5. The application has been amended as follows:

In the specification:

The statement "We claim" on line 45 of page 67 was deleted.

In the claims:

Claim 1 was amended to read as follows: A method for diagnosing cancer, comprising contacting a biological sample isolated from a patient, who is suspected of having the cancer, with SOX1 (SEQ ID NO: 18) or ZIC2 (SEQ ID NO: 22) and determining the presence or level of an antibody that binds SOX1 (SEQ ID NO: 18) or ZIC2 (SEQ ID NO: 22) or antibodies that bind SOX1 (SEQ ID NO: 18) and ZIC2 (SEQ ID NO: 22), wherein the presence or level of said antibody or antibodies is an indication that the subject has cancer, wherein the cancer is small cell lung cancer.

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Claim 4 was amended as follows: the words "the protein or peptide that binds the antibody is a detectable protein or peptide" was deleted and -- SOX1 (SEQ ID NO: 18) or ZIC2 (SEQ ID NO: 22) are detectably labeled -- was inserted.

Claim 5 was amended as follows: the words "detectable protein or peptide" were deleted and -- detectably labeled SOX1 (SEQ ID NO: 18) or ZIC2 (SEQ ID NO: 22) -- was inserted.

Claim 11 was amended as follows: the words "a plurality of proteins or peptides that bind antibodies that selectively bind a plurality of proteins or peptides encoded by nucleic acid molecules selected from the group consisting of SOX1 (SEQ ID NO:4), and ZIC2 (SEQ ID NO:5)" were deleted and -- SOX1 (SEQ ID NO: 18) and ZIC2 (SEQ ID NO: 22)- - was inserted.

Claims 15 and 16 were added and read as follow:

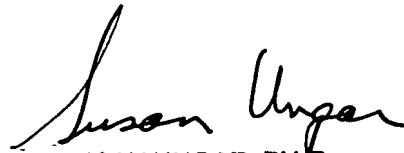
15. The method of claim 1, wherein the sample is contacted with SOX1 (SEQ ID NO: 18).
16. The method of claim 1, wherein the sample is contacted with ZIC2 (SEQ ID NO: 22).
6. Authorization for this Examiner's Amendment was given in a telephone interview with John Van Amsterdam on May 10, 2007.
7. Any comments considered necessary by Applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Reddig whose telephone number is (571) 272-9031. The examiner can normally be reached on M-F 8:30 a.m.-5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on (571) 272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peter J. Reddig, Ph.D.
Examiner
Art Unit 1642


SUSAN UNGAR, PH.D
PRIMARY EXAMINER

PJR